IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.255 OF 2006
IN
CRIMINAL APPEAL NO.238 OF 2006

Shri Sunil Rajaram Jadhav ...Applicant

Versus

State of Maharashtra ...Respondent

Mrs Manjula Rao for the Applicant.

Ms S.V. Gajare, A.P.P for the Respondent.

CORAM : A. S. OKA, J.

DATE : NOVEMBER 21, 2006.

P.C.:

1. Heard the Advocate for the Applicant and the learned A.P.P for the State. After submissions were heard on the last date, this Application was kept today as the learned A.P.P was to take instructions as regards criminal antecedents of the Applicant. On instructions of the concerned officer, the learned A.P.P states that no record is available as regards any criminal antecedents of the Applicant.

2. The conviction of the Applicant who is the accused No.1 is for offence punishable under section 304 (II) of the Indian Penal Code. The substantive

sentence is rigorous imprisonment for six years. The Applicant was on bail throughout the trial and there is no allegation of misuse of the liberty granted in his favour. I have perused the notes of evidence. The alleged assault is committed on 16th June, 2004. The deceased expired on 20th July, 2004. I have also perused the evidence of P.W.4 Dr. Manoj Mahadev Lokhande.

3. At the time of passing order of conviction, the age of the Applicant is stated to be 22 years. He is in custody from 21st December, 2005.

4. Considering the fact that the Applicant was on bail throughout the trial and considering the fact that Appeal is not likely to be heard before expiry of period of sentence, a case is made out for enlarging the Applicant on bail.

5. Hence, I pass the following order:

(i) The Applicant shall be enlarged on the same bail on which he was enlarged during pendency of the trial subject to filing fresh bail

bonds.

(ii) Bail is granted subject to condition that the Applicant will report to Barshi Police Station, District Solapur once in every calendar month till the disposal of the Appeal.

JUDGE